

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ELIZABETH ESTRADA,

Plaintiff(s),

v.

SPECIALIZED LOAN SERVICING LLC,

Defendant(s).

Case No. 2:22-cv-01620-GMN-NJK

Order

[Docket Nos. 39, 41]

Pending before the Court is Defendant's motion to stay discovery pending resolution of its motion to dismiss. Docket No. 39.¹ Plaintiff filed a response in opposition. Docket No. 50. Defendants filed a reply. Docket No. 54. The motion is properly resolved without a hearing. *See* Local Rule 78-1. For the reasons discussed more fully below, the motion to stay discovery is **GRANTED**.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay of discovery bears the burden of making a strong showing that discovery should be denied. *Turner Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). Discovery may be stayed when: (1) there is a pending motion that is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the underlying motion and is convinced that Plaintiff will be unable to state a claim for relief. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

¹ The motion to dismiss has been fully briefed. Docket No. 20 (motion); Docket No. 42 (response); Docket No. 53 (reply).

1 The Court agrees with Defendant that these elements are present here. The motion is
2 potentially dispositive of the case and may be decided without discovery. Moreover, the Court is
3 convinced by the arguments presented in the motion to dismiss that Plaintiff will be unable to state
4 a claim.²

5 Accordingly, the Court **GRANTS** the motion to stay discovery pending resolution of
6 Defendant's motion to dismiss. In the event the underlying motion to dismiss is not granted in
7 full, a joint status report or joint discovery plan must be filed within 14 days of the resolution of
8 the motion to dismiss. In light of that ruling, the Court also **DENIES** as moot the pending
9 discovery plan (Docket No. 41).

10 IT IS SO ORDERED.

11 Dated: March 16, 2023

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14 Nancy J. Koppe
15 United States Magistrate Judge
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25 ² Conducting the preliminary peek puts the undersigned in an awkward position because
26 the assigned district judge will decide the motion to dismiss and may have a different view of its
27 merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of
28 the motion to dismiss is not intended to prejudice its outcome. *See id.* As a result, the undersigned
will not provide a lengthy discussion of the merits of the pending motion to dismiss in this instance.
Nonetheless, the undersigned has carefully reviewed the arguments presented in the underlying
motion and subsequent briefing.